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PTO/SB/21 (08-00)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/832,510	
	<b>Filing Date</b>	April 10, 2001	
	<b>First Named Inventor</b>	Rose, Larry	
	<b>Group Art Unit</b>	1642	
	<b>Examiner Name</b>	Huff, Sheela Jitendra	
<b>Total Number of Pages in This Submission</b>	3	<b>Attorney Docket Number</b>	023070-087910US

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**ENCLOSURES (check all that apply)**

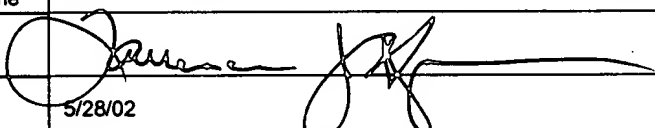
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Postcard
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Remarks

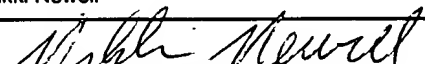
The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

Communication under 37 CFR §§ 1.821-1.825 and Amendment mailed concurrently to Box Sequence, P.O. Box 2327, Arlington, VA 22202.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

<b>Firm and Individual name</b>	Townsend and Townsend and Crew LLP Laurence J. Hyman	<b>Reg. No.</b> 35,551
<b>Signature</b>		
<b>Date</b>	5/28/02	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ROSE et al.

Application No.: 09/832,510

Filed: April 10, 2001

For: ANTIGENIC EPITOPES WITH  
LYM-1 REACTIVITY AND USES  
THEREOF

Examiner: Huff, Sheela Jitendra

Art Unit: 1642

RESPONSE TO RESTRICTION  
REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants respond herein to the Restriction Requirement mailed April 26, 2002 (the "Requirement"). No fees are believed to be due in connection with this Response; if, however, any fees are in fact due, the Commissioner is authorized to deduct them from Deposit Account 20-1430.

Applicants hereby elect Group I, claims 7-18, with traverse.

Applicants traverse the restriction. The Requirement states that two inventions are unrelated if it can be shown that they have different modes of operation, different functions, or different effects. The Requirement, however, does not show any of these things. It merely makes conclusory statements that the groups "are directed to different methods and involve the use of different reagents and have different steps." Applicants respectfully observe that these conclusory statements do not make a *prima facie* case that the methods have different modes of operation, different functions, or different effects. The fact that two methods may use different reagents, or have different steps, says nothing at all about the modes of operation, functions or effects of the methods. PCR, for example, would still seem to be conducted to amplify target nucleic

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acids whether the reagent used is *Taq* polymerase or a polymerase first isolated from another thermophile. The fact that two methods have different steps is clearly to be expected, since otherwise the methods would be the same. It does not, by itself, show the methods have different operations, functions, or effects.

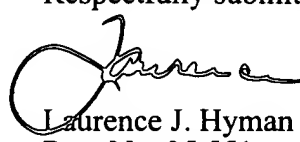
While the foregoing is sufficient to show that the requirement has not set forth a *prima facie* case, for the sake of good order, Applicants note that the Restriction is also deficient because it fails to show that there would be a serious burden on the Examiner to examine the claims together. MPEP § 803 requires examiners to examine claims together unless to do so would impose a serious burden on the examiner. The Requirement fails even to allege, let alone to show, that examining all the claims together in this application would impose a serious burden on the Examiner.

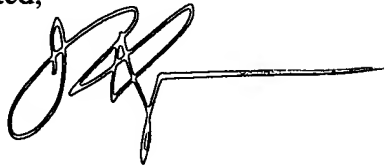
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
Laurence J. Hyman  
Reg. No. 35,551



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